

⁷ *Alaska Plan Order*, 31 FCC Rcd at 10173, para. 103.

providers participating in the Alaska Plan that receive more than \$5 million annually in support.⁸ The proposed model uses stratified random sampling to derive testable locations within a grid system, with Bureau staff selecting and providing to each carrier a random sample of grid cells to test.⁹

3. Two mobile providers are subject to the drive-test requirement: GCI Communication Corp. (GCI) and Copper Valley Wireless (CVW). In light of the Bureau's proposal, GCI asks that the deadline to submit drive-test data be extended from March 1, 2022 until September 30, 2022.¹⁰ GCI asserts that it will not have enough time to test before March 1, 2022 because the Bureau has not yet adopted a methodology or provided it with a random sample of grids to test.¹¹ GCI also asserts that a resurgence of COVID-19 cases in August would hamper drive testing because it has prompted a new series of lockdowns in Alaskan communities.¹²

III. DISCUSSION

4. Based on the record and the issues that GCI raises, we waive the March 1, 2022 deadline for submitting drive-test data and extend it to September 30, 2022.¹³ The Commission may grant a waiver if “(i) [t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (ii) [i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be . . . unduly burdensome or contrary to the public interest.”¹⁴

5. While only one of these conditions needs to be satisfied to grant a waiver, we find that both are satisfied here. The Bureau has not yet adopted the Alaska Drive-Test Model. Once it does so, Bureau staff would, under the proposed model, create stratified random samples for the carriers to test the state of the network.¹⁵ GCI and CVW will not be able to drive test until both of these events occur. In addition, they will likely require time to review the adopted methodology and ready their software and hardware for testing.¹⁶ In addition to this delay in adoption of the pertinent regulatory requirements for

⁸ *Wireless Telecommunications Bureau Seeks Comment on Drive Test Parameters and Model for Alaska Plan Participants*, WC Docket No. 16-271, Public Notice, DA 21-858, at 12-17, Appx. B (WTB July 19, 2021) (*Alaska Drive Test Public Notice*); see also *Alaska Plan Order*, 31 FCC Rcd at 10173, para. 103.

⁹ See *Alaska Drive Test Public Notice*, Appx. B. Stratified random sampling is a process whereby a population is subdivided into nonoverlapping groupings, or strata, and a simple random sample is taken from each stratum. See William G. Cochran, *Sampling Techniques* ch. 5 (3rd ed. 1977).

¹⁰ See Letter from Julie A. Veach, Counsel for GCI, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-271, at 1-3 (filed Oct. 5, 2021) (GCI Oct. 5, 2021 *Ex Parte* Letter).

¹¹ GCI Comments at 19-20, 22.

¹² GCI Comments at 22.

¹³ GCI Oct. 5, 2021 *Ex Parte* Letter at 1-3 (asking for a deadline extension of September 30, 2022).

¹⁴ 47 CFR § 1.925; see also 47 CFR §§ 0.131 (delegating authority to the Wireless Telecommunications Bureau to act on waivers), 1.3; *Alaska Plan Order*, 31 FCC Rcd at 10160, para. 67 (delegating authority to the Wireless Telecommunications Bureau to effectuate Alaska Plan administration); see also *East Kentucky Network LLC d/b/a Appalachian Wireless*, WT Docket No. 10-208, Order, 36 FCC Rcd 178, 190-91, paras. 27-29 (WCB et al. 2021) (Bureau-level extension of a drive-test deadline); *Connect America Fund—Alaska Plan*, WC Docket No. 16-271, Order on Reconsideration, 33 FCC Rcd at 2074, para. 16 (WTB 2018) (extending the initial filing deadline for the middle-mile data collection); *Annual International Traffic and Revenue Data As of December 31, 2014 Must Be Filed Using the Section 43.62 Online Filing System From August 17, 2015 to September 30, 2015*, Public Notice, 30 FCC Rcd 8257, 8257 (IB 2015) (providing bureau-level deadline extension through a public notice due to logistical implementation issues).

¹⁵ See *Alaska Drive Test Public Notice*, App. B.

¹⁶ See, e.g., GCI Comments at 19-23.

the drive testing, the recent surge in COVID-19 cases in Alaska has, as GCI reports, introduced logistical complications for testing in a number of villages and potentially poses an avoidable risk for the community and testers alike.¹⁷

6. We find that the current deadline of March 1, 2022, would be unduly burdensome and contrary to the public interest in light of these considerations. We also find that a waiver would serve the rule's underlying purpose by ensuring that GCI and CVW have the guidance they need to "demonstrate coverage of an area with a statistically significant number of tests" and are able to physically access the villages in which they are required to drive test.¹⁸ Moreover, a new deadline of September 30, 2022, will not prejudice the Commission's ability to assess carriers' compliance and is appropriate given how long we expect for: (i) WTB to finalize the Alaska Drive-Test Model and provide each mobile provider with its sample list; and (ii) each provider to conduct and submit testing data after receiving the model and sample list.

7. The Bureau continues to consider issues related to the Alaska Drive-Test Model, and an order adopting a drive-test model and parameters is forthcoming.

IV. ORDERING CLAUSE

8. IT IS ORDERED that, pursuant to sections 0.131, 1.3, and 1.925 of the Commission's rules, 47 CFR §§ 0.131, 1.3, 1.925 and the delegated authority contained in the *Alaska Plan Order*, 31 FCC Rcd 10139, 10160, para. 67, the Wireless Telecommunications Bureau EXTENDS THE FILING DEADLINE of the Alaska Plan drive-test data submission until September 30, 2022.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Acting Chief, Wireless Telecommunications Bureau

¹⁷ See GCI Comments at 22; GCI Oct. 5, 2021 Ex Parte Letter at 1-2; Tracking Coronavirus in Alaska: Latest Map and Case Count, N.Y. Times (last visited Nov. 8, 2021), <https://www.nytimes.com/interactive/2021/us/alaska-covid-cases.html> (providing a map showing several boroughs as COVID-19 hot spots as of November 2021); Northwest Arctic Borough, Village Travel Restrictions, <https://www.nwabor.org/village-travel-restrictions/> (providing lockdown updates for villages in the Northwest Arctic Borough); Annie Berman, *Alaska's COVID-19 Case Rate Is Now The Highest In The Nation As State Reports 6 Deaths*, Anchorage Daily News (Sept. 21, 2021), <https://www.adn.com/alaska-news/2021/09/21/alaskas-covid-19-case-rate-is-now-the-highest-in-the-nation-as-state-reports-6-deaths/>; Annie Berman, *COVID-19 Cases in Western Alaska Village Prompt Community Lockdown*, Anchorage Daily News (Aug. 4, 2021), <https://www.adn.com/alaska-news/rural-alaska/2021/08/04/covid-19-cases-in-western-alaska-village-prompt-community-lockdown/>; see also, e.g., State of Alaska, COVID-19 (Coronavirus) Information, <https://covid19.alaska.gov/local-borough-resources/> (providing updates on travel restrictions to local boroughs); Alejandro de la Garza, *Alaska's Remote Villages Are Cutting Themselves Off to Avoid Even 'One Single Case' of Coronavirus*, Time (Mar. 31, 2020), <https://time.com/5813162/alaska-coronavirus/>.

¹⁸ *Alaska Plan Order*, 31 FCC Rcd at 10173, para. 103; 47 CFR § 54.321(a).